

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6 and 2013 Iowa Acts, Senate File 446, section 29, the Department of Human Services amends Chapter 150, "Purchase of Service," Iowa Administrative Code.

This amendment changes how supervised apartment living (SAL) rates are established. SAL rates will no longer be established by purchase of service but will instead be established by competitive performance-based contracts. Contractors with the Department that provide child welfare emergency services (CWES) juvenile shelter care will have their state fiscal year 2013 rates increased by 5 percent for state fiscal year 2014.

The Council on Human Services adopted this amendment on June 26, 2013.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the Legislature established new provider rates.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department further finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective July 1, 2013, because the amendment confers a benefit on the public. Provider payment rates were increased for child welfare services.

This amendment is also published herein under Notice of Intended Action as **ARC 0859C** to allow for public comment.

This amendment does not provide for waivers in specified situations because the legislation does not specifically allow for waivers. Requests for waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 234.6.

This amendment became effective July 1, 2013.

The following amendment is adopted.

Amend paragraph **150.3(5)"p"** as follows:

*p. Rate limits.* Interruptions in service programs will not affect the rate. If an agency assumes the delivery of service from another agency, the rate shall remain the same as for the former agency.

(1) The combined service and maintenance reimbursement rate paid to a shelter care provider shall be based on the financial and statistical report submitted to the department. For the fiscal year beginning July 1, ~~2008~~ 2013, the maximum reimbursement rate shall be ~~\$92.36~~ \$96.98 per day, based on a 365-day year. If the department reimburses the provider at less than the maximum rate, the department shall adjust the provider's reimbursement rate to the provider's actual and allowable cost plus the inflation factor or to the maximum reimbursement rate, whichever is less.

~~(2) For the fiscal year beginning July 1, 2010, the reimbursement rates for supervised apartment living service providers shall be increased by 1.31 percent over the rates in effect on June 30, 2010.~~

~~(3)~~ (2) The initial reimbursement rate for any new service shall be based upon actual and allowable costs. A new service does not include a new building or location or other changes in method of service delivery for a service currently provided under the contract.

1. For shelter care, if the provider is currently offering shelter care under social services contract, the only time the provider shall be considered to be offering a new service is if the provider adds a service other than shelter care.

2. For supervised apartment living, the only time a provider shall be considered to be offering a new service is when the agency adds a cluster site or a scattered site for the first time. If, for example, the agency has a supervised apartment living cluster site, the addition of a new site does not constitute a new service.

3. If the department defines, in administrative rule, a new service as a social service that may be purchased, this shall constitute a new service for purposes of establishment of a rate. Once the rate for

the new service is established for a provider, the rate will be subject to any limitations established by administrative rule or law.

(4) (3) If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

[Filed Emergency 6/27/13, effective 7/1/13]

[Published 7/24/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/24/13.